

Serial. No. 10/611,939
Amdt. Dated 5 September, 2006
Reply to Office Action of 3 February, 2006

REMARKS

Applicant gratefully acknowledges the thorough Examination to date and has made an effort to fully respond to all the issues raised by the Examiner. Further, the indication of allowable subject matter in Claims 10 and 11 is greatly appreciated.

I. Amendments

Applicant submits herewith an amendment to the claims, in which Claims 1 to 9, 14, and 17 have been amended and new Claims 20 to 27 have been added to the application. Applicant submits that the response and amendments now submitted overcome each of the Examiner's rejections in the Office Action dated February 3, 2006, having regard to the remarks below.

II. Rejections under 35 USC 103 (a)

A. The Examiner has rejected Claim 1 as being unpatentable over U.S. Patent 5,384,635 issued to Cohen et al. Applicant has amended the claims to better define the invention, and in particular to direct the claims to an intrusion detection system for detecting an intrusion along a determinable portion of a structure.

Applicant respectfully submits that Cohen et al. is directed to a method of locating a cyclic disturbance to a buried optical fiber for fiber health monitoring, such as to prevent or detect damage caused by digging equipment nearby. Applicant submits that Cohen et al. does not teach or suggest an intrusion detection system for detecting an intrusion along a determinable portion of a structure nor does it teach or suggest a transmitter leg for launching a wavelength invariant pulsed polarized optical signal. Further, amended Claim 1 claims "wherein said backscattered optical signal provides polarization change and timing information relative to said polarized optical signal, sufficient to determine the location of the disturbance along the sensor leg; and wherein the location of the disturbance along the sensor leg can be mapped to the determinable portion of the structure.", which is neither taught or suggested by Cohen et al. The

Serial. No. 10/611,939
Amdt. Dated 5 September, 2006
Reply to Office Action of 3 February, 2006

Examiner has recognized that this feature is clearly patentable over the prior art in the context of the allowable Claims 10 and 11. Applicant therefore submits that in view of the significant differences between amended Claim 1 and the Cohen et al. reference, amended Claim 1 cannot be regarded as obvious therefrom. Further, as Claims 2 to 11, 14, and 17 to 20 are ultimately dependent on Claim 1, none of these can be regarded as obvious in view of the Cohen et al. reference.

The Examiner has also rejected Claim 12 as merely comprising a modification involving only routine skill in the art. Applicant has cancelled this claim from the application, thereby rendering the Examiner's rejection moot.

B. The Examiner has rejected Claims 2, 1-2/5, 1-2/6, 7-8 as being unpatentable over U.S. Patent 5,384,635 issued to Cohen et al. in view of EP Patent 0 320 255 issued to Spillman. As discussed above, in the amendment submitted herewith, the claims are clearly directed to an intrusion detection system for detecting an intrusion along a determinable portion of a structure, which is not disclosed or suggested in Cohen et al. Further, even if it was feasible to add the coupler of Spillman to the apparatus of Cohen et al., a person of ordinary skill in the art would not thereby be led to the invention because of the differences between the invention as now clearly defined and the apparatus of Cohen et al., such differences not being taught or suggested by Spillman. Still further, as Claims 2, 7-8 are ultimately dependent on amended Claim 1, none of these claims can be regarded as unpatentable over Cohen et al. in view of Spillman.

Having regard to rejection of "Claims 1-2/5, and 1-2/6", Applicant has amended Claims 5 and 6 to be dependent on Claim 1 only, thereby traversing the Examiner's rejection.

C. The Examiner has rejected Claim 9 as being unpatentable over U.S. Patent 5,384,635 issued to Cohen et al. in view of U.S. Patent 5,627,927 issued to Udd. As

Serial. No. 10/611,939
Amdt Dated 5 September, 2006
Reply to Office Action of 3 February, 2006

discussed above, in the amendment submitted herewith, the claims are clearly directed to an intrusion detection system for detecting an intrusion along a determinable portion of a structure, which is not disclosed or suggested in Cohen et al. Further, even if it was feasible to add the optical switch of Udd to the apparatus of Cohen et al., a person of ordinary skill in the art would not thereby be led to the invention because of the differences between the invention as now clearly defined and the apparatus of Cohen et al., such differences not being taught or suggested by Udd. Still further, as Claim 9 is ultimately dependent on amended Claim 1, this claim cannot be regarded as unpatentable over Cohen et al. in view of Udd.

Conclusion

Applicants respectfully submits that the none of the amended claims are obvious in view of the cited references, taken alone or in combination, and furher that there is no motivation to combine the references. Applicants therefore respectfully request withdrawal of the rejections.

Should any further fees or payments be necessary for entry of this amendment and further prosecution of this application, the undersigned hereby authorizes the Commissioner to debit and/or credit our Deposit Account No. 16-0600 referencing our client matter no. 0145P35US01.

Respectfully Submitted,
Francis M. Haran

By: 
Dennis S.K. Leung
Reg. No. 47,325

Date: September 5, 2006

c/o SHAPIRO COHEN
P.O. Box 3440, Station D
Ottawa, ON K1P 6P1
CANADA Telephone: (613)232-5300

DSKL/TD